

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YOON DOELGER, and
PETER DOELGER,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, N.A., and
CHICKASAW CAPITAL MANAGEMENT,
LLC,

Defendants.

No. 1:21-cv-11042-AK

STIPULATION AND [PROPOSED] ORDER DISMISSING DEFENDANT JPMORGAN CHASE BANK, N.A.'S COUNTERCLAIMS WITHOUT PREJUDICE

Defendants JPMorgan Chase Bank, N.A. (“JPMC”) and Chickasaw Capital Management, LLC, together with Plaintiffs Yoon Doelger and Peter Doelger (the “Parties”), enter into this Stipulation and [Proposed] Order (the “Order”), which they understand and intend will become effective only when ordered by the Court. The Parties’ arguments in support of this Order are set forth in (a) JPMC’s Motion for Entry of Partial Final Judgment on Plaintiffs’ Claims and Dismissal Without Prejudice, or a Stay, of its Counterclaims (Doc. No. 422-423); and (b) the Parties’ Joint Motion for Entry of Partial Final Judgment on Plaintiffs’ Claims; Dismissal Without Prejudice, or a Stay, of JPMC’s Counterclaims; and a Stay of any Motions for Fees or Costs (collectively, the “Motions”).

The Parties hereby stipulate and, having considered the Motions, the Court hereby
ORDERS that:

1. JPMC’s counterclaims (as set forth in Counts I–III of its Answer, *see* Doc. No. 25 at 93–96) are dismissed without prejudice to JPMC’s right to reassert those claims under

one of the following two circumstances: (1) in this action, but only in the event that any of Plaintiffs' claims are reinstated after appeal of any final judgment dismissing Plaintiffs' claims, or (2) in any action Plaintiffs commence in which they assert the same or substantially similar claims.

2. In the event any of Plaintiffs' claims are reinstated following an appeal of any final judgment dismissing Plaintiffs' claims, JPMC's counterclaims will, upon JPMC's request after remand, be reinstated *nunc pro tunc* to their status immediately prior to their dismissal without prejudice pursuant to this Order.

SO ORDERED.

The Hon. Angel Kelley
U.S. District Judge

Dated: _____, 2024

Dated: October 25, 2024

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Respectfully submitted,

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